

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**In re:
WILLIAM HENRY ROMM III,
Debtor.**

**Case No. 19-30155-KRH
Chapter 13**

**NOTICE OF MOTION FOR ENTRY OF ORDER
DECLARING JUDGMENT LIEN SATISFIED**

The above named Debtor, by counsel, has filed a Motion for Entry of Order Declaring Judgment Lien Satisfied, pursuant to Fed. R. Bankr. P. 5009(d).

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then within fourteen (14) days of the date of this notice, you or your attorney must:

- File with the court, at the address shown below, a written response pursuant to Local Bankruptcy Rules 9013-1(H). If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 E. Broad Street, Suite 4000
Richmond, VA 23219-3515

- You must also send a copy to:

Boleman Law Firm, P.C.
P. O. Box 11588
Richmond, VA 23230-1588

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated: August 16, 2019

Respectfully submitted,

WILLIAM HENRY ROMM III

By Counsel:

/s/ Stephen F. Relyea

Stephen F. Relyea (VSB #77236)

Boleman Law Firm, P.C.

P. O. Box 11588

Richmond, Virginia 23230-1588

Telephone: (804) 358-9900

Counsel for Debtor

CERTIFICATE OF SERVICE

I certify that on August 16, 2019, a copy of the foregoing document was served either electronically through the Court's CM/ECF system or via either first-class mail or certified mail to the following parties in interest:

Via Regular, First-Class Mail to:

Costen Floors, Inc.
c/o Derrick E. Rosser, Registered Agent
211-A England Street
Ashland, VA 23005

Via CM/ECF Notification to:

Carl M. Bates, Esquire
Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218

/s/ Stephen F. Relyea
Counsel for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**In re:
WILLIAM HENRY ROMM III,
Debtor.**

**Case No. 19-30155-KRH
Chapter 13**

MOTION FOR ENTRY OF ORDER DECLARING JUDGMENT LIEN SATISFIED

COMES NOW, William Henry Romm III (the “Debtor”), by counsel, and moves the Court, pursuant to Fed. R. Bankr. P. 5009(d), for entry of an order declaring that the judicial lien in favor of Costen Floors, Inc. (“Costen”), encumbering the Debtor’s real estate, is avoided and canceled, in accordance with Debtor's confirmed bankruptcy plan, and any claim secured by the judgment lien is satisfied, and in support thereof, Debtor respectfully represents as follows:

1. Jurisdiction of this Court over the instant adversary proceeding is based upon 28 U.S.C. §§ 157 and 1334, as this action arises in and relates to the lead bankruptcy case of the Debtor.
2. This proceeding is a core proceeding under 28 U.S.C. §157(b)(2)(A), (B), and (K).
3. Venue is proper pursuant to 28 U.S.C. §1409.
4. On January 10, 2019 (the “Petition Date”), Debtor filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code.
5. Carl M. Bates, Esquire is the chapter 13 trustee of the Debtor's estate.
6. The Debtor maintains an ownership interest in certain real property located in the County of Henrico, Virginia, and commonly known as 2615 Jordan Court, Glen Allen, VA 23060 (the “Property”), which Property is more particularly described as follows:

ALL that certain lot, piece or parcel of land, lying and being in Henrico County, Virginia, shown and designated as Lot 35, Block A, Section C, Windsor Woods, as shown on subdivision plat prepared by Charles L. Wingate, P L S , dated April 16, 1984, and recorded June 21, 1984, in the Clerk's Office, Circuit Court, Henrico County, Virginia, in Plat Book 78, page 35, to which plat reference is made for a more particular description

BEING the same real estate conveyed to William H. Romm, III and Holly R. Romm, husband and wife, as tenants by the entirety with the right of survivorship as at common law, by deed from Frances G. Kirby and Patricia A. Alley, dated September 29, 2006, recorded December 21, 2006 in the Clerk's Office, Circuit Court, Henrico County, Virginia in Deed Book 4260, page 467

7. On the Petition Date, the Property was encumbered by a lien that secures payment of a judgment in the principal amount of \$27,537.01, plus interest, attorney's fees and costs, entered by the Circuit Court of the County of Hanover in favor of Costen (the "Judgment Lien"). The Judgment Lien was recorded on September 28, 2016 in the Clerk's Office for the Circuit Court of the County of Henrico, Virginia, at Instrument No. 201600013688 (Deed Book 213, Page 1487). A copy of an Abstract of the Judgment Lien is attached hereto as Exhibit A.

8. On January 15, 2019, Debtor, by counsel, filed in this case a proposed chapter 13 plan and related motions (the "Plan").

9. Debtor checked the box in Section 1.B on page 1 of the Plan, confirming that the Plan included a provision for the "[a]voidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in in Section 8.A"

10. In Section 8.A of the Plan, Debtor moved to avoid Costen's Judgment Lien, pursuant to 11 U.S.C. § 522(f).

11. As stated in the Certificate of Service at the end of the Plan, a copy of the Plan was served upon Costen via first class mail, in conformity with the requirements of Fed. R. Bankr. P. 7004(b).

12. Additionally, pursuant to Local Bankruptcy Rule 3015-2(B), Special Notice of the Plan's proposed avoidance of the Judgment Lien was served upon Costen via first class mail, in conformity with the requirements of FRBP 7004.

13. Costen did not file any timely written objection to the Plan or otherwise respond to Debtor's motion to avoid the Judgment Lien contained within the Plan.

14. On April 29, 2019 the Court entered an order confirming Debtor's Plan.

15. Pursuant to the confirmed Plan, because Costen did not file any written objection to the Plan, the Court may grant Debtor's motion to avoid the Judgment Lien set forth in Section 8.A of the Plan, and cancel Costen's Judgment Lien.

16. Debtor seeks entry of an order, pursuant to Fed. R. Bankr. P. 5009(d), that may be recorded in the land records in order to properly reflect that the Judgment Lien has been avoided in accordance with the confirmed Plan, and that the Judgment Lien shall be released upon completion of the Plan.

WHEREFORE, the Debtor prays that the Court enter an Order substantially similar to the proposed order attached hereto as Exhibit B:

a. Declaring that Costen's Judgment Lien has been properly avoided under the terms of the confirmed Plan, and confirming that the Judgment Lien shall be released upon the Debtor's successful completion of the Plan;

b. Confirming that any claim filed in this case by Costen that is based on the Judgment Lien shall not be treated as an allowed secured claim, but instead as an allowed unsecured claim; and

c. Granting such other relief as the Court may deem just and proper.

Respectfully submitted,

WILLIAM HENRY ROMM III

By Counsel:

/s/ Stephen F. Relyea

Stephen F. Relyea (VSB #77236)

Boleman Law Firm, P.C.

P. O. Box 11588

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